

BOARD OF COUNTY COMMISSIONERS, UTAH COUNTY, UTAH
MINUTES OF PUBLIC MEETING
COMMISSION CHAMBERS, ROOM 1400
OF THE UTAH COUNTY ADMINISTRATION BUILDING
July 3, 2012 - 9:00 A.M.

PRESENT: COMMISSIONER LARRY A. ELLERTSON, CHAIR
COMMISSIONER DOUG WITNEY, VICE-CHAIR
COMMISSIONER GARY J. ANDERSON (Tardy)

ALSO PRESENT:

Robert J. Moore, Deputy Attorney
Cort Griffin, Deputy Attorney
Paul Jones, Deputy Attorney
Haley Christensen, Utah County Attorney's Office
Terri Eisel, Utah County Attorney's Office
Sina Enosa, Utah County Attorney's Office
Mandy Roylance, Utah County Attorney's Office
Scott C. Hogensen, Chief Deputy Clerk/Auditor
Cary McConnell, Deputy Clerk/Auditor-Tax Abatement
Kris Poulson, Utah County Assessor
Jeff Mendenhall, Community Development Director
Peggy Kelsey, Community Development
Dr. Joseph K. Miner, Health Dept. Executive Director
Richard Nance, Drug&Alcohol Prevention&Treatment

Lana Jensen, Utah County Personnel Director
Clark Merkley, Assistant Personnel Director
Julie Rollins, Utah County Purchasing Agent
Don Nay, Utah County Public Works Department
Aaron Eager, Public Works Department
Melanie Rainey, Public Works Department
Jeff Smith, Utah County Recorder
Andrea Allen, Utah County Recorder's Office
Mike Forshee, Utah County Sheriff's Office
Dana Barney, Utah County Treasurer's Office
Reed S. Price, Utah Lake Commission
Mike Stansfield, Fairways Media
DeeAnn Stone, -No further information given-
Stephen Stone, -No further information given-
Renée Huggins-Caron, Clerk/Auditor Admin. Assist.

Commissioner Ellertson called the meeting to order at 9:06 A.M. and welcomed those present. He excused Commissioner Anderson's tardiness, noting that Robert's Rules of Order would be waived for the purpose of making motions until his arrival later in the meeting. The following matters were discussed:

PRAYER/READING/THOUGHT: Reed S. Price, Utah Lake Commission Director

PLEDGE OF ALLEGIANCE: Kris Poulson, Utah County Assessor

CONSENT AGENDA

- 1. TAKE ACTION TO SET A PUBLIC HEARING FOR THE PROPOSED AGRICULTURE PROTECTION AREA SUBMITTED BY STEVEN GIDDINGS, 10.86 ACRES LOCATED IN THE AMERICAN FORK AREA IN SECTION 26, TOWNSHIP 5 SOUTH, RANGE 1 EAST, SLB&M; PROPOSED DATE: Tuesday, July 31, 2012 at 9:00 A.M. in Room # 1400 of the Utah County Administration Building at 100 East Center Street in Provo, Utah**
- 2. APPROVE PROPERTY TAX ACTIONS CONTAINED IN RECOMMENDATION LETTER NO. 2012-10**
Commissioner Ellertson requested that Consent Agenda Item No. 2 be moved to the Regular Agenda for discussion.
PULLED TO REGULAR
- 3. ADOPT A RESOLUTION APPROVING VOLUNTEERS WHO WISH TO DONATE THEIR SERVICES TO THE UTAH COUNTY HEALTH DEPARTMENT AND THE SENIOR COMPANION PROGRAM**
- 4. APPROVE THE MINUTES OF THE JUNE 26, 2012 COMMISSION MEETING**

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Commissioner Ellertson mentioned that he would like an opportunity to discuss the minutes of the June 26, 2012 Commission meeting with Utah County Clerk/Auditor Bryan E. Thompson, and requested that approval of the item be continued to the next meeting of the Board.

Commissioner Witney made the motion to continue Consent Agenda Item No. 2 to the July 10, 2012 meeting of the Utah County Board of Commissioners. The motion was seconded by Commissioner Ellertson and carried with the following vote:

**AYE: Larry A. Ellertson
Doug Witney**

NAY: None

CONTINUED TO JULY 10, 2012

5. RATIFICATION OF PAYROLL

Period 13	10 Checks: \$7,596.78	Total Deposits: \$1,474,467.69	Total: \$1,482,064.47
		Federal Payroll Taxes	Total: \$ 210,425.37

6. RATIFICATION OF WARRANT REGISTER SUMMARY

Register No. 505	June 22, 2012	Direct Deposit:14513-14515	Total: \$ 263.00
Register No. 506	June 22, 2012	Check Nos. 165039-165098	Total: \$ 887,322.28
Register No. 507	June 22, 2012	Check Nos. 165099-165104	Total: \$ 5,785.00
Register No. 508	June 22, 2012	Check Nos. 165105-165107	Total: \$ 18,174.19
Register No. 509	June 25, 2012	Check Nos. 165108-165114	Total: \$ 6,915.00
Register No. 510	June 26, 2012	Check Nos. 165115-165125	Total: \$ 8,138.00
Register No. 511	June 26, 2012	Direct Deposit:14516-14516	Total: \$ 33.99
Register No. 512	June 26, 2012	Check Nos. 165126-165168	Total: \$ 68,478.30
Register No. 513	June 26, 2012	Direct Deposit:14517-14527	Total: \$ 3,004.38
Register No. 514	June 26, 2012	Check Nos. 165169-165199	Total: \$ 18,976.11
Register No. 515	June 27, 2012	Check Nos. 165200-165237	Total: \$ 161,343.89
Register No. 516	June 27, 2012	Check Nos. 165238-165300	Total: \$ 2,688.00
Register No. 517	June 28, 2012	Direct Deposit:14528-14528	Total: \$ 256.50
Register No. 518	June 28, 2012	Check Nos. 165301-165318	Total: \$ 65,905.43
Register No. 519	June 28, 2012	Check Nos. 165319-165324	Total: \$ 4,340.12
Register No. 520	June 28, 2012	Direct Deposit:14529-14539	Total: \$ 689,265.78
Register No. 521	June 28, 2012	Check Nos. 165325-165335	Total: \$ 74,665.73
Register No. 522	June 28, 2012	Direct Deposit:14540-14542	Total: \$ 571.31
Register No. 523	June 28, 2012	Check Nos. 165336-165365	Total: \$ 206,287.09
Register No. 524	June 29, 2012	Direct Deposit:14543-14546	Total: \$ 232.00
Register No. 525	June 29, 2012	Check Nos. 165366-165396	Total: \$ 142,115.79
Register No. 526	June 29, 2012	Direct Deposit:14547-14554	Total: \$ 1,383.84
Register No. 527	June 29, 2012	Check Nos. 165397-165398	Total: \$ 1,219.20
		Total:	<u>\$2,367,364.93</u>

Consent Agenda Item Nos. 1, 3, 5 and 6 were approved as written. Commissioner Ellertson recommended the following Regular Agenda items be moved to Consent:

3. ADOPT A RESOLUTION ESTABLISHING THE 2012 TAX RATE LEVIES FOR UTAH COUNTY, UTAH

Though approved with the Consent Agenda, the commissioners addressed Regular Agenda Item No. 3 later on in the meeting. Commissioner Ellertson summarized that the county sets an annual tax rate along with cities throughout Utah County. Cary McConnell, Tax Administration Supervisor of the Utah County Clerk/Auditor's Office, commented on

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the basic formula to calculate the rates; last year's budget revenue divided by current value. Mr. McConnell noted that while some entities decreased, the overall value for the county slightly increased. He and Commissioner Ellertson reviewed the amounts and percentages for the 2012 tax rates, with Commissioner Ellertson noting that there would not be a change in the property tax collected by the county.

6. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE CONTRACT WITH MOUNTAINLAND ASSOCIATION OF GOVERNMENTS FOR THE FOSTER GRANDPARENT PROGRAM FOR SALARIES OF DRIVERS, GAS, MAINTENANCE, AND INSURANCE OF THE VAN USED TO TRANSPORT THE VOLUNTEERS TO THEIR PLACE OF ASSIGNMENT**
7. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE CONTRACT WITH MOUNTAINLAND ASSOCIATION OF GOVERNMENTS FOR THE SOCIAL SERVICES BLOCK GRANT WHICH REIMBURSES TRANSPORTATION COSTS FOR THE FOSTER GRANDPARENT PROGRAM**
8. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE CONTRACT WITH MOUNTAINLAND ASSOCIATION OF GOVERNMENTS FOR THE SENIOR COMPANION PROGRAM FOR MILEAGE, MEALS, AND A STIPEND FOR SENIOR COMPANION VOLUNTEERS**
9. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE CONTRACT WITH MOUNTAINLAND ASSOCIATION OF GOVERNMENTS FOR THE SOCIAL SERVICES BLOCK GRANT WHICH REIMBURSES TRANSPORTATION COSTS FOR THE SENIOR COMPANION PROGRAM**
10. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE C-1 LOCAL HEALTH DEPARTMENT CLUSTER GRANT AGREEMENT FY2013 WITH THE UTAH STATE DEPARTMENT OF HEALTH FOR THE CHEC AND EARLY CHILDHOOD TARGETED CASE MANAGEMENT PROGRAMS**
13. **RATIFY THE SIGNATURE OF THE UTAH COUNTY SHERIFF ON THE LICENSE AGREEMENT WITH THE UTAH VALLEY CONVENTION CENTER FOR THE UTAH COUNTY SHERIFF'S OFFICE ANNUAL AWARDS BANQUET HELD MAY 16, 2012**
14. **RATIFY THE SIGNATURE OF THE COMMISSION CHAIR ON THE STATE ASSET FORFEITURE GRANT APPLICATION FOR THE STATE OF UTAH COMMISSION ON CRIMINAL AND JUVENILE JUSTICE**
15. **RATIFY THE SIGNATURE OF THE COMMISSION CHAIR ON THE 2013 BEER TAX FUNDS PLAN FOR THE UTAH SUBSTANCE ABUSE ADVISORY COUNCIL**
16. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE 2012 FISCAL YEAR BULLET-ROOF VEST PARTNERSHIP APPLICATION FOR THE UNITED STATES DEPARTMENT OF JUSTICE**
19. **APPROVE THE NOTICE OF SPECIAL MEETING OF THE BOARD OF COUNTY COMMISSIONERS OF UTAH COUNTY, UTAH FOR TUESDAY, JULY 17, 2012**

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ACTIONS TAKEN

Consent Agenda Item No. 1 was set; No. 2 was tabled for further discussion; No. 3 was adopted; No. 4 was continued to the July 10, 2012 meeting of the Board; and Nos. 5 and 6 were ratified. Regular Agenda Item No. 3 was adopted; Nos. 6, 7, 8, 9, 10 and 16 were approved and authorized; Nos. 13, 14, and 15 were ratified; and No. 19 was approved.

AGREEMENT NOS.: 2012-465, 2012-466, 2012-467, 2012-468, 2012-469, 2012-470, 2012-471, 2012-472, 2012-473 and 2012-474
RESOLUTION NOS.: 2012-75 and 2012-76

REGULAR AGENDA

(PULLED FROM CONSENT)

2. APPROVE PROPERTY TAX ACTIONS CONTAINED IN RECOMMENDATION LETTER NO. 2012-10
Commissioner Ellertson noticed that David Shawcroft, Utah County Deputy Attorney whom he wished to question about the recommendation letter, was not present in the audience. Utah County Deputy Attorney Robert J. Moore suggested continuing discussion of the item to the next meeting of the Board.

Commissioner Witney made the motion to continue Consent Agenda Item No. 2 to the July 10, 2012 meeting of the Utah County Board of Commissioners. The motion was seconded by Commissioner Ellertson and carried with the following vote:

**AYE: Larry A. Ellertson
Doug Witney
NAY: None**

CONTINUED TO JULY 10, 2012

REGULAR AGENDA

1. RECOGNITION OF THE UTAH COUNTY EMPLOYEE OF THE MONTH FOR JULY 2012
Paul Wake of the Utah County Attorney's Office was recognized as the Utah County Employee of the Month for July 2012.

2. APPROVE PERSONNEL ACTIONS ORIGINATING JUNE 28, 2012
Utah County Personnel Director Lana Jensen engaged in a sidebar discussion with Commissioner Ellertson to address concerns regarding the Personnel actions, in which his questions were answered.

Commissioner Witney made the motion to approve the Personnel actions originating June 28, 2012 as described in Regular Agenda Item No. 2. The motion was seconded by Commissioner Ellertson and carried with the following vote:

**AYE: Larry A. Ellertson
Doug Witney
NAY: None**

APPROVED

4. ADOPT OR DENY AN ORDINANCE TO AMEND THE UTAH COUNTY LAND USE ORDINANCE, SECTION 1-6-J: NONCONFORMING LOT OF RECORD, TO ADD A NEW SUBSECTION 2, ALLOWING THE TRANSFER OF A NONCONFORMING LOT OF RECORD IN CONJUNCTION WITH THE LAND IN OWNERSHIP OF THE UNITED STATES OF AMERICA

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Commissioner Witney noted that the request for the ordinance amendment was instigated for one entity to address land adjacent to National Forest Service land. Utah County Community Development Director Jeff Mendenhall confirmed that the Forest Service has approved of the proposed changes. Mr. Mendenhall explained that there are plans for a house to be built in a location that would be detrimental to access to the Lone Peak Wilderness area; this amendment would allow Forest Service land in another location to be traded in order to maintain an open gateway to the trails. Commissioner Ellertson summarized the situation, and Commissioner Witney noted the positive cooperation between agencies.

Commissioner Witney made the motion to adopt the ordinance to amend the Utah County Land Use Ordinance, Section 1-6-J: Nonconforming Lot of Record, as outlined in Regular Agenda Item No. 4. The motion was seconded by Commissioner Ellertson and carried with the following vote:

**AYE: Larry A. Ellertson
Doug Witney**

NAY: None

ORDINANCE NO. 2012-21

Utah County Community Development Director Jeff Mendenhall further addressed questions from Commissioner Witney regarding the non-conforming parcel of land. Mr. Mendenhall explained that at one point, the land was a conforming piece. Due to ordinance updates over the years, the land no longer meets the textbook requirements, but legally still maintains the rights since it was up to code at that previous time.

5. ADOPT OR DENY AN ORDINANCE TO AMEND THE UTAH COUNTY LAND USE ORDINANCE, SECTION 3-44: DIVISION OF LAND, PLAT REQUIRED, TO COMPLY WITH NEW STATE CODE LEGISLATION

Utah County Community Development Director Jeff Mendenhall explained that former law allowed land to be divided for agricultural purposes only through a record of survey plat. The condition for these divisions was that the land also had to conform to the minimum lot size requirements within that zone. The last legislature nullified that law, and now Utah County must update the Land Use Ordinance to comply with the new state codes. This means that agricultural divisions can occur by deed or description for an area as small as a quarter of an acre or less. Mr. Mendenhall expressed that such a small space cannot truly be used for agricultural purposes, and disagreed with the new legislation.

Commissioner Ellertson noted that other uses would not be permitted on an agricultural lot, and Jeff Mendenhall mentioned there would not be residential, commercial, or industrial use on that land. Mr. Mendenhall reiterated that a small parcel really cannot produce much agricultural use. Commissioner Witney asked about the motivation for the legislative change, and Mr. Mendenhall indicated he did not know. They discussed politics.

Commissioner Witney made the motion to adopt the ordinance to amend the Utah County Land Use Ordinance, Section 3-44: Division of Land, as outlined in Regular Agenda Item No. 5. The motion was seconded by Commissioner Ellertson and carried with the following vote:

**AYE: Larry A. Ellertson
Doug Witney**

NAY: None

ORDINANCE NO. 2012-22

11. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO EXECUTE AN AGREEMENT WITH NORTH AMERICAN COMMUNICATIONS RESOURCE, INC. FOR A TELEPHONE SYSTEM HARDWARE UPGRADE IN THE AMOUNT OF \$231,283.92 (Continued from the June 26, 2012 Commission meeting)

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Commissioner Ellertson requested that discussion of this agenda item be tabled so that Commissioner Anderson could be included upon his arrival.

Commissioner Witney made the motion to table the decision regarding the execution of an agreement with North American Communications Resource, Inc. as stated in Regular Agenda Item No. 11. The motion was seconded by Commissioner Ellertson and carried with the following vote:

**AYE: Larry A. Ellertson
Doug Witney
NAY: None**

TABLED FOR FURTHER DISCUSSION

*Please refer to the final page of these minutes for additional notations.

12. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO ACCEPT THE QUIT CLAIM DEED FOR THE RIGHT-OF-WAY ALONG THE DAREL CONRAD PROPERTY

Commissioner Ellertson summarized that the Darel Conrad property is at the point of being dedicated to the roadway in order to allow repairs. Don Nay of the Utah County Public Works Department confirmed that information. Commissioner Witney asked Mr. Nay to pass along a message to Utah County Public Works Director Richard Nielson, requesting that Mr. Nielson provide a written summary of agenda items if he would not be able to attend the meeting to offer descriptions. Utah County Deputy Attorney Robert J. Moore noted that the property in question currently hosts an illegal wedding reception center, and this Quit Claim Deed is part of the process to legalize that business in cooperation with the Attorney's Office and the Utah County Community Development Office.

Commissioner Witney made the motion to accept the Quit Claim Deed for the Right-of-Way along the Darel Conrad property as specified in Regular Agenda Item No. 12. The motion was seconded by Commissioner Ellertson and carried with the following vote:

**AYE: Larry A. Ellertson
Doug Witney
NAY: None**

AGREEMENT NO. 2012-475

17. APPROVE THE MEMORANDUM OF UNDERSTANDING BETWEEN THE UTAH COUNTY JUSTICE COURT AND THE OFFICE OF STATE DEBT COLLECTION TO COLLECT DEBTS OWED TO UTAH COUNTY ORIGINATING IN JUSTICE COURT, SUBSTITUTING THIS UPDATED AGREEMENT FOR CURRENT UTAH COUNTY AGREEMENT NO. 2012-438

Commissioner Ellertson noted that discussions had occurred in the previous two weeks regarding viable collection agencies for Utah County, and wondered why one of those vendors could not be used for debt collection originating in the Justice Court as well. Utah County Deputy Attorney Paul Jones explained that he is not sure of the choice by the Justice Court to use the state system, which prompted Utah County Deputy Attorney Cort Griffin to step forward for comment. Mr. Griffin explained that there is an advantage in going through the state program because income taxes can be attached. Commissioner Ellertson also noted that the cost of collection is added to the debt rather than a percentage of the debt paid to the collector, and Mr. Jones confirmed that the costs would be in addition to the debts.

Commissioner Witney made the motion to approve the memorandum of understanding between the Utah County Justice Court and the Office of State Debt Collection to collect debts owed to Utah County as identified in Regular Agenda Item No. 17. The motion was seconded by Commissioner Ellertson and carried with the following vote:

**AYE: Larry A. Ellertson
Doug Witney
NAY: None**

AGREEMENT NO. 2012-438 (Updated)

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18. APPROVE AN AGREEMENT WITH PROVO CITY FOR A UTAH COUNTY COMMUNITY ACTIVITIES GRANT

Commissioner Ellertson mentioned having questions regarding the dollar amounts within the proposed agreement with Provo City, and requested that this item be continued for one week.

Commissioner Witney made the motion to continue Regular Agenda Item No. 18 to the July 10, 2012 meeting of the Utah County Board of Commissioners. The motion was seconded by Commissioner Ellertson and carried with the following vote:

**AYE: Larry A. Ellertson
Doug Witney**

NAY: None

CONTINUED TO JULY 10, 2012

At this point, the commissioners determined which closed meetings would be necessary to set and which could be stricken from the Regular Agenda.

21. SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING FOR A STRATEGY SESSION TO DISCUSS PENDING OR REASONABLY IMMINENT LITIGATION

Commissioner Witney made the motion to set a date, time and location for a closed meeting for a strategy session to discuss pending or reasonably imminent litigation to immediately follow the public comment portion of the regular public meeting today in Room 1400 of the County Administration Building. The motion was seconded by Commissioner Ellertson and carried with the following vote:

**AYE: Larry A. Ellertson
Doug Witney**

NAY: None

SET

23. SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING FOR A STRATEGY SESSION TO DISCUSS THE SALE OF REAL PROPERTY

Commissioner Witney made the motion to set a date, time and location for a closed meeting for a strategy session to discuss the sale of real property to immediately follow the previously scheduled closed meeting today in Room 1400 of the County Administration Building. The motion was seconded by Commissioner Ellertson and carried with the following vote:

**AYE: Larry A. Ellertson
Doug Witney**

NAY: None

SET

20. SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING TO DISCUSS THE CHARACTER, PROFESSIONAL COMPETENCE, OR PHYSICAL OR MENTAL HEALTH OF AN INDIVIDUAL OR INDIVIDUALS

STRICKEN

22. SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING FOR A STRATEGY SESSION TO DISCUSS THE PURCHASE, EXCHANGE, OR LEASE OF REAL PROPERTY

STRICKEN

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24. SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING TO DISCUSS COMMERCIAL INFORMATION AS DEFINED IN SECTION 59-1-404, U.C.A., AS AMENDED STRICKEN

Commissioner Witney made the motion to strike Regular Agenda Item Nos. 20, 22 and 24 to set dates, times and locations for closed meetings to discuss the character, professional competence, or physical or mental health of an individual or individuals; for a strategy session to discuss the purchase, exchange, or lease of real property; and to discuss commercial information as defined in Section 59-1-404, U.C.A., as amended. The motion was seconded by Commissioner Ellertson and carried with the following vote:

**AYE: Larry A. Ellertson
Doug Witney**

NAY: None

Commissioner Anderson arrived at this point (9:48 A.M.).

WORK SESSION

1. REPORT ON PHRAGMITE CONTROL AROUND UTAH LAKE

Utah Lake Commission Director Reed Price introduced himself and Aaron Eager of the Utah County Public Works Department, acknowledging Commissioner Ellertson's involvement with the Utah Lake Commission and his assistance in working with various municipalities and state agencies to better manage the lake. The focus of the commission has been on the restoration of the sandy shoreline.

Reed Price explained that phragmites, which grow to be twelve to fifteen feet tall, have currently taken over most of the shoreline. It is a drain on the ecosystem of the Utah Lake, but eradication has received more attention at the state level due in part to the foresight of Utah County to identify phragmites as a problem. Mr. Price has been working with Aaron Eager in this project for approximately three years.

Aaron Eager projected a slide show (which can be found attached to these minutes) regarding the progress of phragmite control around Utah Lake over the last three years. The area is divided into sections that are given three-year plans including phragmite removal through fuel breaks and chemical applications, as well as the restoration components. Mr. Eager noted that ground application is necessary to preserve trees in the area. Commissioner Witney mentioned a demonstration of weed control during a recent conference in Santa Fe, suggesting that Mr. Eager research that version of application further.

Aaron Eager showed before and after pictures of the Utah Lake shoreline areas currently under treatment for phragmites. He mentioned the increase of fishing in the area, now that it is more accessible to local residents. He reviewed changes in the Saratoga Bay area and the equipment used there. Reed Price addressed spraying the aquatic-rated herbicide in the Fall on the weeds, and seeing positive results in Spring. He noted the assistance of Jim Cross of Cross Marine Projects in providing equipment and personnel for work around Utah Lake.

Reed Price spoke about the importance of safety when considering ridding phragmites by fire, and cooperation with the Utah State Division of Forestry, Fire and State Lands to determine appropriate conditions. Mr. Price also answered questions from the commissioners about the trees in the area, and Aaron Eager detailed that grants awarded and upcoming plans for those monies. Part of those funds are designated for work at the Provo Airport, since phragmites have invaded there as well.

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Commissioner Anderson asked about the percentage of the phragmites that have been brought under control since the implementation of the program, and Reed Price and Aaron Eager explained how 40 percent of the seventy miles of shoreline have been eradicated. Mr. Eager estimated that the situation could be completely remedied within eight years with continued funding through grants. The commissioners commended the gentlemen for their ambitious results. Mr. Eager also mentioned the beetle introduced for effective bio-control in the area, as the only source of food for the beetle is the phragmites. Once the phragmites are gone, the beetles will die; they are an approved biological agent.

Commissioner Anderson noted his recent realization that not every county within Utah has dedicated personnel and equipment for weed control. He expressed admiration and accolades for Aaron Eager and Reed Price and those working with them to manage phragmites and other noxious weeds, reiterating their dedication and foresight. Commissioner Anderson noted that Utah County is now setting an example for others in the state, largely due to the expertise of Mr. Eager and Mr. Price. Commissioners Witney and Ellertson added their gratitude and appreciation.

At this point, Commissioner Ellertson noted it would be an appropriate time to discuss Regular Agenda Item No. 11, which had been previously tabled for further discussion.

Commissioner Anderson made the motion to retrieve Regular Agenda Item No. 11 from the table for discussion. The motion was seconded by Commissioner Witney and carried with the following vote:

**AYE: Larry A. Ellertson
Doug Witney
Gary J. Anderson
NAY: None**

ADDRESSED FOR DISCUSSION

11. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO EXECUTE AN AGREEMENT WITH NORTH AMERICAN COMMUNICATIONS RESOURCE, INC. FOR A TELEPHONE SYSTEM HARDWARE UPGRADE IN THE AMOUNT OF \$231,283.92 (Continued from the June 26, 2012 Commission meeting)

Commissioner Anderson summarized concerns regarding the proposed agreement with North American Communications Resource, Inc. He explained that an expert was consulted to agree with recommended improvements to the Telecommunications system for the county. The commissioners were made aware that the external consultant did not actually view the Telecommunications facilities, but was provided schematics by the Utah County Public Works Department regarding the system and asked for an opinion. Commissioner Anderson questioned whether that type of review was sufficient for the cost of the upgrade, and asked Don Nay of the Public Works Department for his personal opinion on the matter.

Don Nay indicated that the expert, 'Fred' of CC&E Engineers, is familiar enough with the type of equipment in question to provide an opinion without needing a physical tour of the system. Mr. Nay was involved in the thorough discussion with Fred about the system, and was comfortable with the attention paid to details. When Commissioner Anderson asked whether it would be necessary for another consultant to review the opinion of the CC&E Engineers representative, Mr. Nay stated no. Commissioner Ellertson added the clarification that the upgrade would be for hardware and software.

Commissioner Witney referred to the minutes of the previous week's Commission meeting, noting the earlier questions raised about the lower cost through North American Communications Resource, Inc. (NACR) for the upgrade services as opposed to the state contractor. He informed Don Nay that Utah County Clerk/Auditor Bryan E. Thompson had suggested further conversation with Justin Watters in the Public Works Department to address bidding and potential other contractors for these services, stating no more information had been provided to the commissioners since then. Mr. Nay confirmed that the state contractor was contacted and given the opportunity to match the price offered by NACR.

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Commissioners Ellertson and Witney discussed procurement and bidding processes for the county. Don Nay explained that the winning state bidder cannot contractually offer a lower price. Mr. Nay also mentioned security risks in allowing outside personnel to physically enter the Telecommunications system area, and the commissioners spoke further to that. The discussion ended with the general consensus that though there is discomfort in the amount of money to be spent at once, the agreement should move forward.

Commissioner Anderson made the motion to approve and authorize the agreement with North American Communications Resource, Inc. for a telephone system hardware upgrade in the amount of \$231,283.92 as defined in Regular Agenda Item No. 11. The motion was seconded by Commissioner Witney and carried with the following vote:

**AYE: Larry A. Ellertson
Doug Witney
Gary J. Anderson
NAY: None**

AGREEMENT NO. 2012-476

*Please refer to the final page of these minutes for additional notations.

PUBLIC COMMENTS

Stephen Stone stepped forward to address the Utah County Board of Commissioners. Mr. Stone explained that he is very frustrated with an individual in the Utah County Attorney's Office who seems to be unnecessarily impeding the process of moving into a home that has been under construction for some time with his wife DeeAnn Stone. Commissioner Anderson noted that this is not the first time Mr. Stone has approached with complaints, and thanked him for being a gentleman in potentially heated situations.

Stephen Stone explained that his family has owned a piece of property for twenty-four years in the Lake Shore area. He stated that his home is prepared for occupancy at this point, but there is a disagreement between his family and the member of the Attorney's Office (whom he expressly did not name out of respect for the individual's privacy in a public forum, noting that the commissioners are aware of which individual he referred to). Mr. Stone noted that he has documented evidence of dealing with the county repeatedly and spending thousands of hours in an attempt to meet all of the requirements set for the home since his acquisition of the property in 1987. He presented documents to the Board that he noted could further complicate the issue if discretion was not used in sharing the information.

Stephen Stone's frustration led him to researching Utah Code to understand the power of the Utah County Attorney's Office in relation to the Utah County Board of Commissioners. He quoted Utah Code Title 17 to remind the commissioners of their statutory power to assist him. Mr. Stone expressed his feelings that there has been a lack of appropriate supervision in the Attorney's Office. He also noted being upset with those, he has worked with inside the Planning Department of the Utah County Community Development Office. Mr. Stone mentioned that he and his wife are currently living with their daughter and her husband, who are attempting to sell their home and are losing potential sales because of the parents having no place to go. He digressed by commenting on the many great military accomplishments of his son-in-law, but returned to the subject by stating the importance of treating those who have served the country with more respect than his family has been shown. Mr. Stone stated that his family is not being treated as fairly as any human should expect to be, much less someone with the accolades as his son-in-law.

Stephen Stone went on to detail aggravation with the lack of cooperation between the Attorney's Office and his family. He insisted that the individual in the Attorney's Office has shut down the process by refusing the Fire Marshal and Building Inspector to visit the property in question, hence impeding Mr. Stone from receiving necessary signatures to obtain permits.

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Stephen Stone specifically noted the last requirement addressing the driveway for the property. He explained that through he disagreed with it, the steps were completed as requested. Mr. Stone asked today for the commissioners to allow the Building Inspector to visit the home and confirm that all tasks requested by the Attorney's Office have been completed. His closing comments reiterated his anger with the Attorney's Office individual, yet a willingness to cooperate with the county in completing the process for the home.

This concluded the public comment portion of the open meeting, and the meeting recessed at 10:42 A.M. to go into closed meetings. The public meeting reconvened at 11:18 A.M.

Commissioner Anderson made the motion to adjourn the July 3, 2012 meeting of the Utah County Board of Commissioners. The motion was seconded by Commissioner Witney and carried with the following vote:

**AYE: Larry A. Ellertson
Doug Witney
Gary J. Anderson
NAY: None**

There being no further business nor public comment, the meeting adjourned at 11:20 A.M. The minutes of the July 3, 2012 Commission Meeting were approved as transcribed on July 17, 2012.

LARRY A. ELLERTSON, Commission Chair

ATTEST:

BRYAN E. THOMPSON
Utah County Clerk/Auditor

*Regular Agenda Item No. 11:

The commissioners addressed Regular Agenda Item No. 11 immediately preceding the Public Comments portion of the meeting, and unanimously voted to approve the agreement with North American Communication Resources, Inc. for a telephone system hardware upgrade.

Copies Available on the County Web Site at www.utahcountyonline.org
Recorded by Renée Huggins-Caron, Clerk/Auditor Administrative Assistant

